

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	23	\$	DEMAND OTHER	DOCKET NUMBER	DEM.	YR.	NUMBER
1085/4	76	0125	3 25 76	4	360	2	12			94	8510	D	76	0125-C

PLAINTIFFS

DEFENDANTS

FRANCIS R. WENDT

W. R. GRACE COMPANY, CONSTRUCTION
PRODUCTS DIVISION

CAUSE

Personal Injury

ATTORNEYS

*Jack Y. Goree
2626 East 21st Street
Tulsa, Okla. 74114
749-7771 *621-1032*

Jack M. Thomas
200 Franklin Building
Tulsa, Oklahoma 74103

582-8877

Joe Roberts
Rhodes, Hieronymus, Holloway & Wilson
2900 Fourth National Bank Bldg.
Tulsa, Okla. 74119 *582-1123*

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED
JS-5 *4-1-76*
JS-6 *11-1-77*

DATE	NR.	PROCEEDINGS
3-25-76	1.	Petition for removal, filed. hm
3-25	2.	Bond on removal, filed. hm
3-25	3.	Notice of filing of petition & bond for removal by deft., filed. hm
3-25	4.	Answer, filed. hm
3-25	5.	Demand for jury trial, filed. hm
3-25	6.	Acknowledgment of the Clerk of the Dist. Ct. of Tulsa Co., State of Okla., of receipt of copy of the notice, petition & bond for removal, filed. hm
4-7	MO:	Case set for PT hearing Thurs., June 10, 1976, at 3:30P.M. (HDC-J)ph
6-7	7.	Joint applic. for continuance from PT setting, filed. hm
6-7	8.	Order, filed, continuing PT hearing of 6-10, to be reset. (HDC-J)hm (copies mailed)
6-22	MO:	Case set for PT on 8-27-76 at 3:00 p.m. (HDC-J)ph notices mld
8-25	9.	Pltf's request for production of documents and photographs, filed. ph
8-27	MO:	Pre-trial hearing held. Statements made. Discovery to be complete by 11-1-76. Pltf. to prepare PT order by 11-10-76 and case set for jury trial 12-6-76 at 9:30 a.m. (HDC-J)hm
10-26		Deposition of William A. Cavitt on behalf of pltf., filed. (\$118.80)g
10-26		Deposition of Francis R. Wendt on behalf of defts, filed. (\$48.60)g
10-26		Deposition of Francis R. Wendt on behalf of defts., filed. (\$110.70)g
11-12	10.	Pre-trial order, filed. (HDC) rm - copies mailed
11-18		Subpoena, ret. & filed: served Bill Early 11-18-76. (USM \$6.32)g
11-22	MO:	Case reset for Jury Trial on 12-27-76 at 9:30 a.m. (HDC-J)ph cps mld
12-10		Sub. ret. & fld., served Bill Early 12-8-76. (USM \$4.88)g
12-20	--	Deposition of Donald Hase, filed. ph
12-21	MO:	Informal hearing held in chambers. Parties represented. Deft. ordered to produce witness statements to pltf. within one week. Upon request of deft., and over objections from pltf., jury trial set 12-27-76 is continued until 3-14-77 at 9:30 a.m., to be first case on docket. (HDC-J)hm
12-22	11.	Appl. of pltf. for permission to use interpreter, filed. rm
12-22	12.	Brief in support of appl. to use interpreter, filed. rm
12-22	MO:	Case set for evid. hearing on 3-3-77 at 9:30 a.m. upon pltf's appl. for permission to use interpreter. (HDC-J)ph cps mld
1977		
3-3	MO:	Evidentiary hearing held on pltf's applic. for permission to use interpreter. Pltf's witnesses sworn: Francis Wendt, Delilah Wendt. Court grants applic., but suggests that pltf. attempt to find someone other than pltf's wife to use as interpreter at trial. (HDC-J)hm
3-4		Return on USM service of civil subpoena, filed. Served Bill Early on 3-3-77 at Tulsa, OK, w/ fees of \$2.24.k
3-7	MO:	It is ordered by the Court that case is set for hearing on pltf's amendment to PT order on 3-8-77 at 2:00 p.m. (HDC-J)ph parties called
3-7	13.	Deft's obj. to pltf's proposed amendment to pre-trial order, filed. ph
3-8	MO:	Case called for hearing on pltf's amendment to PT order. Statements made. Deft. makes oral request for continuance of trial in light of new evidence pltf. plans to present at trial. Court allows amendment to PT order & strikes case from J/T of 3-14, to be reset. Parties shall advise Court by 3-31 as to whether case is in a posture to reset for J/T. Pltf. to provide deft. w/requested medical documents. (HDC-J)hm
3-8	14.	Amendment to PT order, filed. (HDC-J)hm (copies mailed)
5-4	MO:	Case set for J/T on 8-8-77 at 9:30 a.m. (HDC-J)ph (Trial briefs, req. voir dire and req. instr. to be filed by 7-22-77)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-125</u>
Francis R. Wendt		W. R. Grace Co., et al	PAGE <u>3</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
1977			
5-10	--	Deposition of Dr. J. L. Richardson, on behalf of the deft., taken before Millie Ballard, LSR, on the 23rd day of Feb., 1977. njb	
5-26		Sub. ret. & filed: served Bill Early 5-25-77. g (\$5.12)	
7-22	15	Deft's Application for additional time to file Trial briefs, requested voir dire & requested instructions, filed. b (Order part of applic.)	
7-22	--	Order a part of appl. granting deft. until 8-2-77 to file trial brief, req. voir dire and req. instructions. (HDC-J)ph cps mld to movant	
7-27	16.	Pltf's appl. for addit. time to file trial briefs, req. voir dire and req. instruction, filed. ph (O a part of appl. to J)	
7-28	--	Order as part of appl. granting pltf. until 8-2-77 to file trial brief, req. voir dire and req. instructions. (HDC-J)ph cps mld to movant	
8-3	17.	Trial brief of pltf., filed. ph	
8-3	18.	Pltf's requested voir dire questions, filed. ph	
8-3	19.	Pltf's requested instructions, filed. ph	
8-5	20.	Trial brief of W. R. Grace Co., Const. Products Div., filed. ph	
8-8	MO:	Case called for jury trial. Parties announce ready. Jury empaneled and admonished, but not sworn. Case continued to 8-11-77 at 9:30 a.m. (HDC-J)hm	
8-9	--	Alias summons issued to Custodian of Records, 1923 S. Utica, Tulsa, OK. ph	
8-9		Return of USM service of subpoena. Served Cecil Reavis on 8-5-77 at Tulsa, OK; served Paul N. Atkins, Jr., M.D. on 8-5-77 at Tulsa, OK; Served Betty Thompson, medical records librarian, on 8-8-77 at Tulsa, OK; Served Ralph W. Richter, M.D. by serving Jean Capehart, office mgr., on 8-8-77 at Tulsa, OK; Served Walter Ayers on 8-5-77 at Tulsa, OK; Served Roy House on 8-5-77 at Tulsa, OK; Served Delilah Wendt on 8-6-77 at Claremore, OK; Did NOT serve Helen Wilson, custodian of records, on 8-8-77 at Tulsa, OK; served, by ALIAS summons, Custodian of Records at St. John's Hospital by serving Donna Smith, med. sec. on 8-9-77 at Tulsa, OK. (USM fees of \$ 31.24) ra	
8-9	MO:	Case continued for J/T until 8-12-77 at 10:00 a.m. (HDC-J)ph	
8-10	MO:	Case continued for J/T until 8-15-77 at 9:30 a.m. (HDC-J)hm	
8-11	MO:	Case continued for J/T until 8-16-77 at 9:30 a.m. (HDC-J)ph	
8-15	MO:	Case continued for J/T until 8-17-77 at 9:30 am. (HDC-J)ph	
8-16	MO:	Case continued for J/T until 8-18-77 at 9:30 a.m. (HDC-J)ph	
8-17	MO:	Case continued for J/T until 8-19-77 at 9:00 a.m. (HDC-J)ph	
8-19	MO:	Case called for jury trial. Conf. held in chambers prior to trial. Deft's oral mo/continuance granted & case set for jury trial 8-26-77 at 9:00 a.m. Court directs that jury be excused & told to report on said date. Juror Askeu excused by agreement of parties, for reason of employment. First alternate to be used in her place. Parties directed to exchange letters by 8-22 listing witnesses & exhibits. In open Court, Court recognizes all witnesses back on 8-26-77 at 9:00 a.m. (HDC-J)hm	
8-29	MO:	Case tried to a jury Aug. 26, 29 & 30. Parties announce ready. Jury admonished & sworn. Rule invoked. Opening statements made. Pltf. presents case in chief w/test. of witnesses, introd. of exhibits & rests. Pltf's and deft's mo/directed verdict each denied. Deft. rests.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
		Parties rest. Closing arguments made. Instructions given. Bailiff sworn. Jury retires to deliberate at 12:03 p.m. 8-29-77. Alternate juror excused. Hearing held in chambers w/counsel on 8-30-77 re question from jury. Jury brought into courtroom & Court advises them as to question. (10:20 a.m. 8-30) Jury retires to continue deliberating. Note from foreman of jury, filed in open court. Jury returns w/verdict on 8-30-77 at 11:39 a.m. finding in favor of pltf. in amt. of \$23,750.00, w/pltf's negligence 49% and def't's negligence 51%. Verdict ordered received, read & filed in open court. Pltf. counsel directed to prepare formal judgment. (HDC-J)hm	
8-30-77		Trial exhibits, filed. (some w/file; some in ex. room)hm	
8-30	21.	Verdict, filed in open court. hm	
8-30	22.	Instructions, filed in open court. hm	
8-30	23.	Note from foreman of jury, filed in open court. hm	
/9-23	--	Partial transcript of proceedings had on 8-26-77 w/Clk's cpy, filed.1m	
10-17	24.	Journal entry of judgment, filed and entered, that judgment be entered against def't. W. R. Grace Co., Const. Products Division and for pltf. Francis R. Wendt in the sum of \$12,112.50 w/int at 10% from August 30, 1977. (HDC-J)ph cps mld	
10-17	25.	Release and satisfaction of judgment, filed. ph	

9-13
 per Jack House in
 papers will be in
 in about 4-10 days

10-12
 called the
 10-12-77